

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 17-75190 (REG)

CELIA SAVAGE,

Chapter 7

Debtor.

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STIPULATION AND ORDER
ABANDONING THE TRUSTEE'S INTEREST IN REAL PROPERTY

WHEREAS, on August 25, 2017, (the "Petition Date"), Celia Savage (the "Debtor"), the above-referenced debtor, filed a voluntary petition (the "Petition") for relief under chapter 7 of title 11 of the United States Code (the "Bankruptcy Code");

WHEREAS, the Debtor's Petition states that: (a) Debtor is the fee simple owner of, and resides at, the real property located at, and known as, 686 Park Avenue, Huntington, New York 11743 (the "Real Property"); the (b) Real Property has a fair market value of \$535,000 (the "Fair Market Value"); (c) the Real Property is encumbered by (i) a first mortgage in the amount of \$494,895 held by Selene Finance ("Selene"); and (ii) a second mortgage in the amount of \$42,000 (the "Second Mortgage Balance") held by Citibank, N.A ("Citibank", and together with Selene, the "Mortgage Holders") and (d) the Debtor claimed a homestead exemption in the Real Property pursuant to Bankruptcy Code §522(d)(1) in the amount of \$11,837.50 (the "Homestead Exemption").

WHEREAS, Allan B. Mendelsohn, Esq. (the "Trustee") was appointed interim chapter 7 trustee, has since duly qualified, and is now the permanent trustee of the Debtor's estate;

WHEREAS, on November 21, 2017, the Trustee filed a notice of discovery of assets of unrelated to the Real Property, and the Court fixed the last day to file claims against the Debtor's estate;

WHEREAS, on February 20, 2018, Selene filed a proof of claim, assigned claim number 1, in the secured amount of \$515,980.70 (the “First Mortgage Balance”), reflecting the balance of the first mortgage on the Real Property;

WHEREAS, the Debtor now wishes to pursue a short sale (the “Sale”) of the Real Property;

WHEREAS, the collective amounts of the First Mortgage Balance and Second Mortgage Balance exceed the Fair Market Value of the Real Property;

WHEREAS, the Real Property is of inconsequential value or benefit to the Debtor’s estate and creditors;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. The Trustee’s right, title, and interest in the Real Property is hereby abandoned pursuant to Bankruptcy Code §554 so that the Debtor may pursue the Sale of the Real Property.

2. To the extent the Debtor receives a carve-out from the Mortgage Holders which exceeds the Debtor’s Homestead Exemption, Debtor shall turnover such excess to the Trustee as property of the estate under Bankruptcy Code §541.

3. The parties consent to the entry of this Stipulation as an Order in this proceeding, and respectfully requests that this Court enter this Stipulation as an Order.

4. This Stipulation may be signed in counterparts and a facsimile signature shall be accepted as an original.

5. The parties executing this Stipulation represent that they have the necessary authority to execute this document and bind their respective clients to the terms and conditions thereof.

6. This Stipulation shall be of no force or effect unless it is approved by the Bankruptcy Court.

Dated: March 5, 2018
Islandia, New York

MACCO & STERN, LLP
Attorneys for the Debtor

By: /s/ Cooper J Macco
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Dated: March 2, 2018
Huntington, New York

ALLAN B. MENDELSON, LLP
Attorneys for the Trustee

By: /s/ Allan B. Mendelsohn, LLP
Allan B. Mendelsohn
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Huntington, NY 11743
(631) 923-1625

SO ORDERED:

Dated: Central Islip, New York
April 17, 2018



A handwritten signature in black ink, appearing to read "Robert E. Grossman".

Robert E. Grossman
United States Bankruptcy Judge